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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/688,001 | 10/14/2000 | Michael T. Dobbertin | 2000009 | 9174 |

7590 02/15/2002

Kathleen K Bowen
311 Hillbrook Dr
Cuyahoga Falls, OH 44223

EXAMINER

SKAGGS JR, H GRANT

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3651

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER |
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 2/1/02

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 (three) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al in view of Jantsch et al.

Yoshida et al shows in Fig.34 the timed operation of a vacuum belt feeder which includes first opening a vacuum valve 13 (at c) and a positive pressure air valve 22 (at a), closing the pressure air valve (at b), driving the belt feeder (14), closing the vacuum (at d), and then turning off the drive to the belt. Yoshida et al does not teach that the vacuum can run after de-energizing the belt or that the belt can be energized and de-energized by way of a feed clutch. Merely having the vacuum of Yoshida et al run until after the feed belt is de-energized would require mere choice or expedience since it would appear that the apparatus run equally well with the vacuum turned off after the de-energizing of the belt (14). Further to have the feed belt activated and deactivated by way of a feed clutch would require the mere choice of a known means of controlling the movement of the belt as made obvious by Jantsch et al. Note 56 and column 5 lines 30-46 of Jantsch et al.

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3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al in view of Jantsch et al as applied to claim 5 above, and further in view of Watkiss.

It would be obvious in order to aid in the separation of the sheets from the stack to have the positive air pressure from valve 22 of Yoshida et al delivered in pulses as made obvious by Watkiss. Note air blast from nozzles 72 and column 5 lines 6-30 of Watkiss. In regard to claims 2-3 merely having the air pressure separator (at a of 22 of Fig. 34) of Yoshida et al actuated at the same time as the vacuum is actuated (at 13 c of Fig. 34) would require mere choice or expedience since the apparatus of Yoshida et al could work equally well with this type of timed operation. With regard to claims 3 and 4 to have the time between the closing of valve 22 (at b) and the activation of the feed belt 14 of Yoshida et al to be approximately 50 milliseconds would require mere choice or expedience based on the timing and feed rate of the sheets being feed.

Response to Arguments

4. Applicants' arguments filed February 1, 2002 have been fully considered but they are not persuasive.

Applicants argue that Yoshida et al does not teach that the time chart of Fig. 34 does not show that a positive pressure air valve either opening or closing but only shows position changing. However in the embodiments of Figs. 25-28 of Yoshida et al (to which the time chart of Fig. 34 could apply) it is shown that the pressure air valve 22 does move between the open position a and

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the closed position b. With regard to claim 1 applicants argue that there is no motivation to combine Yoshida et al with Watkiss to provided air blast. However Watkiss in column 5 lines 21-23 clearly teaches that air blast aid in the separation of a top sheet. The motivation to combine the teaching of Watkiss with Yoshida et al is therefor clearly found in the references. Moreover, the examiner does not agree that the Yoshida et al apparatus counts on a constant flow of pressure air in different directions as Figs. 25-28 clearly show otherwise. With regard to the arguments concerning claims 2-3 and 3-4, the examiner as made a factual observation of the modified Yoshida et al apparatus and the burden is no on applicant to refute such observations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ex. Skaggs whose telephone number is (703) 308-1113 and whose group fax number is (703) 305-7687.

A handwritten signature in black ink, appearing to read 'H. Grant Skaggs', written in a cursive style.

**H. GRANT SKAGGS
PRIMARY EXAMINER**

hgs

February 14, 2002